office, shall be paid either (A) the annuity under this section, or (B) the annuity or salary to which he is entitled by reason of his service as such a justice or judge of the United States, as determined by an election by that person at the time of his retirement from the office, or from regular active service in the office, of justice or judge of the United States. Such an election may not be revoked.

"(2) An election by a person to be paid an annuity or salary pursuant to paragraph (1)(B) terminates (A) any election previously made by such person to provide a survivor annuity pursuant to subsection (d), and (B) any right of any other individual to receive a survivor annuity pursuant to subsection (d) on the basis of the service of that person.

"(h) SOURCE OF PAYMENT OF ANNUITIES.—Annuities and survivor annuities paid under this section shall be paid out of the Department of Defense Military Retirement Fund.

"§ 946. Art. 146. Code committee

"(a) ANNUAL SURVEY.—A committee shall meet at least annually and shall make an annual comprehensive survey of the operation of this chapter.

"(b) COMPOSITION OF COMMITTEE.—The committee shall consist of—

"(1) the judges of the United States Court of Military Appeals;

"(2) the Judge Advocates General of the Army, Navy, and Air Force, the Chief Counsel of the Coast Guard, and the Staff Judge Advocate to the Commandant of the Marine Corps; and

"(3) two members of the public appointed by the Secretary of Defense.

"(c) REPORTS.—(1) After each such survey, the committee shall submit a report—

"(A) to the Committees on Armed Services of the Senate and House of Representatives; and

"(B) to the Secretary of Defense, the Secretaries of the military departments, and the Secretary of Transportation.

"(2) Each report under paragraph (1) shall include the following:

"(A) Information on the number and status of pending cases.

"(B) Any recommendation of the committee relating to—

"(i) uniformity of policies as to sentences;

"(ii) amendments to this chapter; and

"(iii) any other matter the committee considers appropriate.

"(d) QUALIFICATIONS AND TERMS OF APPOINTED MEMBERS.—Each member of the committee appointed by the Secretary

of Defense under subsection (b)(3) shall be a recognized authority in military justice or criminal law. Each such member shall be appointed for a term of three years.

"(e) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—The Federal Advisory Committee Act (5 U.S.C. App. I) shall not apply to the committee/".

10 USC 942 note.

(d) TRANSITION FROM THREE-JUDGE COURT TO FIVE-JUDGE COURT.—(1) Effective during the period before October 1, 1990—

(A) the number of members of the United States Court of Military Appeals shall (notwithstanding subsection (a) of section 942 of title 10, United States Code, as enacted by subsection (c)) be three; and